

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 15, 2003

P. Sartorius called the meeting to order at 4:02 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT:

STAFF PRESENT: D. Steenhagen, B. Moore, H. Griffith

OTHERS PRESENT: J. Keene, 664 Lake Dr.; R. Hickel, 1274 Evanston; F. Bednarek, Hooker DeJong; D. Utzinger, 631 Westwood; G. Peets, 970 Washington; G. Bree, Architect; H. Wierenga, Fleis VandenBrink; C. Kelly, Lakefront LLC; J. Kakaty, 214 Hannover; C. VanDyke, 1523 Leahy; M. Pierce, 1508 Leahy; L. Smith, 1876 Jiroch; T. Galla, 159 E Larch; J. Anthony, 109 & 137 E Laketon; M. Baxter, 191 E Larch; S. & J. Pulling, 502 W Webster.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of April 10, 2003 was made by T. Johnson, supported by J. Aslakson and unanimously approved.

B. Smith arrived at 4:05 p.m.

OLD BUSINESS BEFORE NEW BUSINESS

A motion to have Old Business heard before New Business for this meeting and future meetings was made by J. Aslakson, supported by T. Harryman and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2003-12: Request to rezone the property located at 1750 and 1752 Seventh St. from R-1, Single-Family Residential to B-4, General Business, by Keene Lumber Co. D. Steenhagen presented the staff report. The subject properties are located at the SE corner of Seventh St. and Larch Ave. They are currently vacant lots. Keene Lumber has been using the properties to store materials on. As the properties are zoned residentially, this is not permitted. Staff has not begun enforcement action yet, pending the outcome of this rezoning request. If the rezoning is approved, storage would be permitted on the lots, but all materials would have to be either enclosed in a building, or screened from public view. Laketon Ave. contains many

commercial uses, but the area to the north is primarily residential. There are several nonconforming commercial buildings and uses scattered throughout the area as well. The south half of this block (fronting Laketon Ave.) is zoned B-4, while the entire north half (fronting Larch Ave.) is zoned R-1. Keene Lumber's property takes up the entire Laketon Ave. frontage (south half) of the block. Also joined with their primary parcel is a small portion of the Larch Ave. frontage, in the center of the block, directly adjacent (east) of the two subject lots. This property is zoned R-1 but contains a commercial building. As such, it is nonconforming. If this rezoning is approved, the adjacent piece should also be rezoned as well so as to be consistent with the rest of Keene's property. The remaining lots fronting Larch Ave. contains residences. The Future Land Use Map shows the subject property to be "Commercial". The Master Land Use Plan states: Notwithstanding the presence of many quality homes, the sub-area also possesses a number of blocks with units in need of rehabilitation and site maintenance. Sub-Area Stability: The area's stability varies throughout. Residential locations range from mature, well maintained, neighborhoods to those undergoing significant decline and in need of rehabilitation. Most of the industrial development is also mature in age. And, like the area's residential development, ranges from well maintained facilities to those in need of major rehabilitation and/or removal. Sub-Area Issues: a) There are pockets of housing in need of rehabilitation. b) Laketon Ave. suffers as a result of several business and property owners who fail to maintain the appearance of their buildings and/or frontage sites. c) Buffers between residential and industrial development are virtually non-existent. The Master Plan recommends for this sub-area: a) Implement, through zoning, buffer requirements to mitigate compatibility impacts between residential and non-residential uses. b) Implement comprehensive streetscape programs along the sub-area's major roadways. c) Focus residential rehabilitation and site maintenance efforts in this sub-area. If the rezoning is approved, staff will work with the applicant on making sure that the storage is properly screened and that all ordinance requirements for the site are met. If the rezoning is denied, all materials stored on the site must be removed, and only permitted activities in the R-1 district would be allowed on the properties. Keene Lumber received a site plan approval in 1999. There were several conditions placed on the approval, including: a) The parking lot needs to be paved and striped with curbing or curb stops. b) The north end of the property needs to be cleaned up and screened. c) The driveway closest to the intersection of Seventh St. and Laketon Ave. needs to be removed. Although the City owns this property, you still have the right of access, and therefore the driveway does need to be removed. In 2002, Keene Lumber received another site plan approval for construction of a storage building on their existing property. At that time, they were reminded of the requirement to screen from the residential properties to the north, and were given until May 1, 2003 to complete the screening or contact staff to discuss an alternate timeline. Staff has not heard from them regarding this requirement, and the screening is still not in place. Staff agreed to allow Keene to wait to pave their parking lot until the City's bike path was constructed along this stretch of Laketon Ave. The bike path is currently under construction at this time. Staff has not received any phone calls or letters regarding this case. Staff recommends approval of the request only if the conditions of the 1999 site plan approval are met and provided that the remaining portion of R-1 zoned property will be applied to be rezoned in the near future as well.

P. Sartorius asked if there were homes to the east of this property. D. Steenhagen stated that there was. J. Aslakson asked about the screening that was supposed to be done previously. D. Steenhagen described where the screening was needed. J. Keene stated that he had purchased some property from the Polish Falcon Lodge and obtained permits and built a storage building.

He stated that he has been in contact with B. Moore, R. Scott, and M. Al-Shatel regarding the requirements for paving the parking area. He had been waiting until the bike trail was done by his property so he could be sure that one area wouldn't be higher than the other. He thought that screening might cause a safety problem. Recently, kids had set fire on the property and due to the neighbors seeing them, police and fire departments were at the site quickly and damage was limited and the kids were caught. He would prefer not to screen in case anything like this happens again. If screening were in place, then the neighbors wouldn't have seen what was happening. There could have been a lot more damage done. L. Spataro asked if the driveway closest to 7th St. and Laketon Ave. would be removed. J. Keene stated that it had already been taken care of and there is now a curb there. T. Johnson asked if there was a fence in place in front of the building on Larch. J. Keene stated that it was. T. Johnson asked if the applicant was willing to move the items that are close or on the sidewalks. J. Keene stated that they plan to build storage bins for windows and that they would make sure that there wasn't anything on or near the sidewalks. T. Johnson asked if the applicant was planning on building storage buildings on the site if rezoned. J. Keene stated that they would be building a storage building about 20 to 25 ft. from the sidewalk and it would be enclosed. J. Aslakson thought that screening wouldn't be an issue if the items were to be in a storage building. D. Steenhagen stated that the screening should be in place on the portion of the property that abuts the residential homes on Larch.

A motion to close the public hearing was made by J. Aslakson, supported by L. Spataro and unanimously approved.

A motion that the request to rezone property at 1750 and 1752 Seventh St. as described in the public notice, from R-1, Single-Family Residential to B-4, General Business be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by S. Warmington, supported by L. Spataro and unanimously approved.

Hearing; Case 2003-13: Request to rezone the property located at 986 E. Keating Ave. from B-4, General Business to R-1, Single-Family Residential, by Robert Edward Hickel. D. Steenhagen presented the staff report. This request was on the April PC agenda as Case 2003-8. At the applicant's request, the case was withdrawn at the meeting. Since that time, the applicant has determined that the owners of the property he was looking at on Fleming Ave. are not willing to sell it to him. Therefore, he has re-applied to rezone his property on Keating Ave. The request has been re-noticed and re-advertised. The subject property is located on Keating Ave., north of the City's Medendorp Industrial Park, between Valley and Madison Streets. The entire north side of Keating St. in this area is zoned B-4, including the subject property. The area is a mix of residential and industrial uses in general. The applicant has stated "I would like to move the house at 957 Broadway in Norton Shores to 990 Keating...in East Muskegon. This home will blend in with the houses in this area. Dan Deitz moved a house for me to 1331 Ada also one to 1882 McLaughlin, he will also move this one for me". The Future Land Use Map shows the subject property to be "Single & Two-Family Residential". The Master Land Use Plan states: Single and multiple family housing are found in the sub-area's northwest quadrant. Sub-Area Stability: Reinvestment in existing single-family, housing units is minimal. Housing located in the interior portions of the sub-area is undergoing replacement by new and/or

expanding industries. In some instances, homes (home sites) are being assembled to accommodate industrial development. Sub-Area Issues: a) Designation and use of the sub-area for industrial development will require the removal of single-family housing. b) The combination of land uses (e.g., housing, medical, commercial, and industrial) may result in land use compatibility conflicts unless development is carefully regulated. c) In several instances, non-residential "spot" development has been allowed to encroach upon residential locations. The Master Plan recommends for this sub-area: a) The area north of East Barney Avenue, west of Madison Street, and south of East Delano Street should be retained as mixed use residential. b) Any commercial or industrial development bordering residential should provide high quality buffering in the form of architectural screening and landscaping. Given the Master Plan recommendation and the mostly residential nature of this area, staff is planning on looking into a wider-scale rezoning of more of the commercially zoned properties in this area, north of the industrial park. Staff has not received any phone calls or letters regarding this case. Given that the area is predominantly residential and that the Master Plan recommends that this area remain residential, Staff recommends approval of the request.

S. Warmington asked what the size of the lot was. D. Steenhagen stated that she wasn't sure of the exact size, but the lot is a buildable lot. R. Hickel stated that he will be moving a home to the property and would be rehabilitating the home.

A motion to close the public hearing was made by L. Spataro, supported by T. Harryman and unanimously approved.

A motion that the request to rezone property at 986 Keating Ave., as described in the public notice, from B-4, General Business to R-1, Single-Family Residential be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by J. Aslakson, supported by T. Johnson and unanimously approved.

Hearing; Case 2003-14: Request to rezone the property located at the SW corner of Division St. and Western Ave. (former Shaw-Walker property) from I-2, General Industrial to I-1, Light Industrial, by P&G Holdings. D. Steenhagen presented the staff report. The subject property is located at the SW corner of Division St. and Western Ave. The property also contains an unimproved parking lot on the east side of Division St. The property contains a large former industrial complex. This site has quite a long history of industrial and commercial uses. A previously approved PUD for the property has since expired and the property has changed hands since that time. There is one existing industrial use on the property, Knoll. They do machining work, and have been determined to fit within the I-1 zoning district. A new PUD for the property is being applied for (see cases 2003-15 and 2003-16) for a mixed-use residential and commercial development. Knoll is also to remain on the site as well. The Future Land Use Map shows the subject property to be "Industrial". The Master Land Use Plan states: It is the goal of the Master Plan to retain the residential orientation of Sub-Area 10 while restricting the expansion of commercial and industrial development to infill locations. Sub-Area Stability: The sub-area is relatively stable. Prior investments have been made along the waterfront and will likely continue into the future. Housing condition is generally good. Sub-Area Issues: The interior of the sub-area, which is residential in use, experiences several pockets/parcels of commercial development. Given the sub-area's close proximity to the Core Downtown and the

commercial development along Laketon Avenue, interior commercial development is not desired. The Master Plan recommends for this sub-area: Other than neighborhood businesses directly linked to the area, prohibit further encroachment of commercial development within the interior portions of the sub-area. Work toward the long-term elimination of commercial development on Beidler Street with reuse oriented to residential development. a) Incorporate, through zoning, buffering requirements between residential and non-residential uses. b) Restrict industrial expansion to infill locations, internal to existing industrial development. By rezoning this property to a less intense industrial zoning, the City is protected from potentially having a heavy industrial user move onto this site if the current mixed-use development is not successful. The existing industrial use on the site is also protected as they do fit within the proposed I-1 zoning district. Staff has received phone calls regarding this case. The first caller did not leave a name or address but stated that she has no objections as long as the rezoning is not for her property. The second call came from D. Utzinger called because he had concerns that the rezoning of this property would eventually cause a need to rezone his property which is currently zoned I-2 and his business is located on the property. Staff recommends approval of the request.

T. Johnson asked if the DEQ had been provided with information regarding this request and if they know about this meeting. D. Steenhagen stated that the applicant has been working with the DEQ. F. Bednarek stated that the property was designated a Renaissance Zone. The building that is located at the corner of Washington and Hudson would be the first to be developed for apartments. They are working with the DEQ with the RAP and they had notified them of this meeting. T. Johnson asked what the plans were for the site. F. Bednarek stated that the property would be made up of residential and commercial. The reason for requesting the I-1 zoning was due to the Knoll. Knoll is providing the cash flow for this project through their lease. They are looking at the future of the site. There may be a need for Knoll to expand and their use falls under an I-1 zoning. They are not looking for tenants that require this zoning. They are looking for commercial uses that are less intense. D. Utzinger stated that he isn't opposed to the plan. He does have concerns with the future of this area.

A motion to close the public hearing was made by J. Aslakson, supported by L. Spataro and unanimously approved.

L. Spataro stated that the request was pretty straightforward. P. Sartorius asked why the request was to downzone to I-1 instead of B-4. The existing use would be grandfathered. He felt this seemed inconsistent. T. Johnson stated that the request makes sense. The applicant seems to be taking a conservative approach by leaving the property as a less intensive industrial use. D. Steenhagen stated that she had discussed this with the applicant. The applicant wished to keep the existing use that is already on the property conforming. J. Aslakson stated that he did wonder about this, but looking at the principal use of I-1, he had no problem or concerns with the request. P. Sartorius stated that he would like to see that the public's concerns are being kept.

A motion that the request to rezone property at the SW corner of Division St. and Western Ave., and the associated parking area across Division St., as described in the public notice, from I-2, General Industrial to I-1, Light Industrial be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with

the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing; Case 2003-15: Request for preliminary Planned Unit Development approval for a mixed-use, commercial and residential development at the SW corner of Division St. and Western Ave. (former Shaw-Walker property), by P&G Holdings.

Hearing; Case 2003-16: Request for final Planned Unit Development approval for a portion of a mixed-use, commercial and residential development at the SW corner of Division St. and Western Ave. (former Shaw-Walker property), by P&G Holdings. D. Steenhagen presented the staff report. The subject property is just over 21 acres and houses 39 buildings that total approximately 920,000 square feet. Larger buildings in the complex are 5 stories high. The construction dates of buildings in the complex range from 1894 to 1984. A preliminary PUD was previously approved for this site in 1998 for a mixed-use development that included office, warehousing, retail and recreational uses. A final PUD approval was never applied for at that time, however. The preliminary PUD has since expired and the property has changed hands. Reuse of such a massive complex is a challenge for developers because of its size, multiple buildings and usefulness for modern industrial processes. The owners have found a mixed-use market for the complex that includes residential and commercial uses. The concept of this PUD is to allow flexibility in uses as long as fire separation and access requirements are adhered to. The site is a Brownfield and there is an approved Remedial Action Plan (RAP) by the MDEQ for clean up of the site. Any and all development proposed for the site must be in accordance with the approved (or an amended) RAP. The RAP approved in 1999 did not include clean up for residential use. A higher level of clean up must be provided on site in order for residential uses to be allowed by the MDEQ and the City. The current owners of the site are currently working with the MDEQ for removal of the restrictive covenant on the property that prohibits residential development. Any approval of the request for a preliminary or final PUD for the site should be conditional upon MDEQ approval of residential uses for the site. The site has been granted a Renaissance Zone designation by the City. As a Renaissance Zone the site is virtually tax-free until the designation's expiration in 2014. The only required tax payments are for voter-approved mileages and special assessments. The City's purpose in granting the Renaissance Zone designation was to stimulate re-development of this site. This site has a great deal of visibility, due to its size and location across from the newly renovated Hartshorn Center; the City's Hartshorn Marina, and the YMCA. This proposed development is exciting to see and will have a strong impact on the Muskegon area as new residential and commercial tenants move in. The development should help create a certain amount of synergy between the existing Hartshorn Center uses, the proposed relocation of Fisherman's Landing on the Hartshorn Center property, the completion of Shoreline Dr. East and the transformation of Shoreline Dr. into the new business route through downtown, and the Edison Landing (SmartZone) site. With the Shaw Walker development and the Edison Landing development as anchors on opposite sides of the traditional 'downtown' area, the entire downtown and lakefront area should benefit. The developers are proposing a phased development. The separate phases are outlined on the enclosed conceptual site plan (Phases 1 through 5). They are asking for preliminary approval of the PUD in general and also for final PUD and site plan approval of Phase 1. Phase 1 of the development is proposed to have 5,000 square feet of commercial space, 7,200 square feet of parking, and 67,800 square feet of residential and common area. The residential unit mix is proposed to be 30 one-bedroom units, 19 two-bedroom units, and 4 three-bedroom units, for a

total of 53 units. Although the enclosed conceptual site plan is color-coded by phases, no information is given about Phases 2 through 5, in terms of the proposed uses for those phases, or any kind of timeline for when they would be developed. The applicant has stated to staff that the final plans for these phases will be determined by the market and what reaction to Phase 1 is. Generally, staff has been told that Phase 2 will likely consist solely of commercial uses, and Phases 3 and 4 will be similar to Phase 1 with commercial and parking on the first floor and the rest residential, although there may be commercial uses on the second floors of these buildings as well. The applicant is also looking in to the possibility of a fitness center for the site at some point, as well as possible marina spaces as well if something could be worked out with a lakefront property owner. The conceptual site plan for the entire PUD shows that Phase 5 would consist of a new building shown to be placed set back from Western Ave. with a parking area in front of it. The rest of the complex is built right up to the street along both Western Ave. and Division St. Staff would suggest that this building be brought in-line with the other existing buildings, with any associated parking areas behind it, along Michigan Ave. The Phase 5 building should be designed as similar in appearance to the existing buildings on the site in order to blend in with the existing development. No proposed height has been shown for the building. No timeline has been given either for the completion of Phase 1 or for the remaining phases of the proposed development. A general timeline for each phase should be provided along with an estimated date for final completion of the project. The associated parking area across Division St. is currently unimproved. There is no information provided as to which phase this parking will be associated with. Whenever this area will be required as parking for one of the phases of development, it will be required to be paved, landscaped and striped in accordance with ordinance requirements at that time. The buildings have been abandoned for some time. Many windows are currently broken and security is a concern on the site. The applicant should provide information as to what is being proposed to keep the site secure until all phases have been developed. There are several remaining signs from previous businesses which were located in the various buildings on the site. These signs should be removed to reduce clutter, blight and confusion. Staff has reviewed the submitted final site plan for Phase 1 and has the following comments: a) The site plan shows Phase 1 to be a 5-story brick building near the southwest corner of the site, at the corner of Hudson St. and Washington Ave. The site plan shows the first floor to contain 5,000 square feet of retail space and an indoor parking area, containing 18 parking spaces. Forty-six hundred square feet of utility and common area is also provided. The remaining four stories would all contain residential units. b) The building floor plans (Page Z200) appear to be color-coded but no key to the color coding is given. The areas shown as yellow on the first floor appear to be the proposed retail spaces, while the areas shown as red appear to be stairways and utility closets. The nature of the areas shown in green and tan is unknown. c) The site plan shows the building footprint and relation to other adjacent existing buildings. Two proposed parking areas are also shown, along with associated landscaping. The site plan appears to be conceptual in nature and does not indicate specific information such as dimensions of the parking areas, maneuvering lanes and parking spaces, building and parking area setbacks, or specifics of the proposed landscaping (sizes and species of proposed landscape materials). It also is not to scale. A full and complete site plan and landscaping plan (to scale) needs to be provided for this phase. d) As best as staff can determine, the setbacks shown appear to be adequate. Information (numbers, size and species) about the proposed landscaping materials need to be given on a more detailed landscape plan. e) The number of parking spaces shown appears to meet ordinance requirements. Residential uses are required to have two off-street parking spaces per unit. With 53 total units, this would require 106 parking spaces for the

residents. Commercial uses (general retail) are required to have one space for every 300 square feet of usable floor area. Only the gross floor area is given for the proposed commercial areas, but using this figure would require 17 parking spaces, for a total of 123 spaces required for the site. The site plan shows 121 spaces, but staff is sure that if the actual figures for usable square footage of the retail areas were used instead of gross, the site would easily meet the parking requirements. f) No dimensions of the proposed parking areas or of the parking spaces or maneuvering aisles are given. Several landscape islands and bump-outs are shown, which should meet ordinance requirements for parking area landscaping. However, this information needs to be provided on a final, complete site plan. g) Proposed building elevations have been provided. They appear to retain the character of the original building. The developer should be held to the proposed design for the building. h) There are existing structures on the site such as a rusted, 6-foot chain-link fence around the perimeter, a shed in the southwest corner of the property, some above-ground piping, and additional structures, a conveyor and a loading bay in the courtyard shown to be parking to the north of the building. These items are shown in light gray on the overall plan for the entire property, but no details are given as to their removal or retention on the site. Staff assumes that these structures will all be removed as they do not appear on the site plan for Phase 1, but something should be stated to clarify this. The fence should be removed as well, or replaced. i) The existing parking area to the south of the building is in poor condition and should be repaved or sealed. The parking area must also be striped. j) The west side of the building labeled as Phase 3 faces the courtyard proposed as parking for Phase 1, north of the Phase 1 building. Currently the side of the building contains many broken windows and is generally unattractive. The applicant may want to consider ways to improve the appearance of this side of the Phase 3 building when Phase 1 is developed. At a minimum, the broken windows should be replaced in the interests of security, as well as aesthetics. k) The Engineering Dept. has reviewed the site plan and states; "Work within the public right-of-way must be permitted by Engineering. No new storm sewer or connections to the City's lines will be allowed." l) The Fire Marshal has reviewed the site plan and states; "A flow test for water supply shall be conducted. Current fire pump shall be tested and evaluated per licensed fire protection contractor or pump testing agency. Results shall be forwarded to the Fire Marshal. Hydrant locations shall be shown on the site plan and fire lanes shall be designated. Fire Department access shall be created and maintained, and surface grade shall be able to support fire apparatus' weight." m) The Department of Public Works has reviewed the site plan and has approved it with no additional comments. Staff has not received any phone calls or letters regarding these cases. Staff recommends approval of the request with conditions.

L. Spataro asked if the applicant would object to aligning future construction to keep in line with what is currently there once they get to phase 5. He also asked what the possibility of opening Hudson St. to help with the traffic flow. F. Bednarek stated that they would like to reserve the discussion of what would happen until they are ready to do phase 5. In regards to opening Hudson, this would be difficult. Their parking requirements need to be met and if they open Hudson, this wouldn't be able to be met. J. Aslakson asked about the number of housing units in phase 1. F. Bednarek stated that the number of units would depend on the market value. J. Aslakson asked if the buildings that weren't colored in the plans were slated for removal. F. Bednarek stated that that was correct. B. Smith asked if the applicant had any comment regarding staff's comment labeled "j". F. Bednarek stated that the idea is to do as much as they can to enhance the site. Phase 2 will be developed as a recreation center to serve the complex and staff's comments are reasonable. J. Aslakson asked if the developer was comfortable with

staff's recommended conditions. F. Bednarek stated that they were fine with the conditions. P. Sartorius asked if the site plan would go before the Planning Commission as each phase comes due. F. Bednarek stated that it would. J. Aslakson asked if there would be any problems with the moving of the building on condition number 4. D. Steenhagen stated that the applicant seemed fine with this and this may be brought back to the Planning Commission for an amendment. L. Spataro stated that the concept of phase 5 may be different when they get ready to do it and feels this is a reasonable request. T. Harryman agreed and it would be more attractive. G. Peets asked if the apartments would be subsidized. F. Bednarek stated that the apartments would be market rate.

A motion to close the public hearing was made by L. Spataro, supported by T. Johnson and unanimously approved.

A motion that the preliminary PUD for a mixed-use commercial and residential development at the SW corner of Division St. and Western Ave., including also the associated parking lot across Division St., be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The applicant must apply for a final PUD approval including review of a complete site plan for each phase as it is developed. 2) A general description of each phase, the uses proposed and a general timeline for the development should be provided to staff. 3) Approval is conditioned upon MDEQ approval of a RAP, which allows residential uses on the property, and upon removal of the restrictive covenant prohibiting residential development. 4) The Phase 5 building should be brought up in-line with the existing buildings along Western Ave. The building should be similar in appearance, scope and scale to the existing buildings on the site. 5) Paving of the lot on the east side of Division St. must be included on the site plan for any phase of the development which proposes to use the lot for parking. 6) The applicant will work with the Police, Fire and Inspections Departments to ensure site security. 7) All remaining wall signs from businesses no longer located on the premises will be removed, was made by T. Johnson, supported by J. Aslakson and unanimously approved.

L. Spataro asked for clarification regarding the symbols that were used in design Z101, specifically the rectangles along Hudson and Washington. G. Bree stated that they are trees. L. Spataro asked why the building walks aren't shown to be connected with the sidewalks along the street. G. Bree stated that there is a retaining wall, but the south side could be extended to the sidewalks along the street. T. Harryman asked about the location of the front door. G. Bree stated that there were 2 entrances. There is one to the south and an interior courtyard door. Looking at Z201, the arch (south) has a door and there are 2 entrances to the north. L. Spataro asked if the north elevation would have signs above the doors for the commercial uses. G. Bree stated that there would be signage but placements haven't been determined yet.

A motion to close the public hearing was made by J. Aslakson, supported by L. Spataro and unanimously approved.

A motion that the final PUD and associated site plan for Phase I of the mixed-use housing development at the SW corner of Division St. and Western Ave. be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) A key to the color coding on the site plan needs

to be provided to staff. At a minimum, a description of the proposed uses of the areas shown in green and tan on the plan must be provided. 2) The final elevation design of the building may not differ from what was submitted to staff (pages Z201 and Z202 dated 4/24/03). 3) The existing parking area to the south of the building will be either repaved or sealed. 4) A revised site plan shall be submitted which contains the following: a) The plan must be complete, to scale, and include all information and measurements for setbacks, and dimensions of the parking areas, maneuvering lanes, and parking spaces. b) The plan needs to indicate that the parking areas will be paved and striped with either curbing or curb stops provided for all spaces. c) Landscaping must be shown on the site plan (or on a separate landscaping plan) including details on location, size and species for all proposed landscape materials. All landscaped areas are required to be irrigated. d) The existing fence around the perimeter of the property will be either removed or replaced. No barbed wire will be permitted. Any fencing for the property may not be higher than 4 feet if chain-link or wrought iron or 3 feet if privacy or brick wall. e) The metal shed in the southwest corner of the property, the aboveground piping, and all structures located in the courtyard north of the building will be removed from the site. The existing loading ramp in the courtyard will be brought up to the average grade of the site. The site plan will indicate these changes. f) All fire hydrant locations will be shown, as well as locations of designated fire lanes. Fire Department access will be created and maintained and the surface grade must be able to support fire apparatus' weight. 5) The applicant will obtain permits from the Engineering Department for any work within the public right-of-way. 6) No new storm sewer or connections to the City's lines are allowed. 7) The applicant will conduct a flow test for water supply. The current fire pump will be tested and evaluated per licensed fire protection contractor or pump testing agency. Results will be forwarded to the Fire Marshal. 8) The south side sidewalk will be expanded to the Hudson St. sidewalk, was made by L. Spataro, supported by J. Aslakson and unanimously approved.

Hearing; Case 2003-17: Request to amend the Planned Unit Development for the SmartZone (Edison Landing) to change the locations and scale of various proposed buildings and to change use mix and quantity, by Lakefront Development, LLC. D. Steenhagen presented the staff report. The subject property is the remainder of the former Teledyne property left, after the City condemned a portion for the Shoreline Dr. East road project. The site contains 34.2 acres on Muskegon Lake. A PUD was approved for this site in July of 2000. A copy of the minutes from that case are attached, as well as a copy of the original approved site plan. The PUD included 17 parcels with office, retail, marina and condominium uses. Since the PUD approval, Lakefront Development, LLC has completed their purchase of the property. The Shoreline Dr. East project also has begun this spring as well. The new extension of Shoreline Dr. will run directly adjacent to the site, and is intended to become the new business route through downtown after its completion. In 2001, the site received a SmartZone designation from the State of Michigan. This designation means that, in partnership with Grand Valley State University, the site is being developed as a technology-based business park. Construction of the Michigan Alternative and Renewable Energy Center (GVSU Workstage building) began in early 2003 on parcel 'C' of the site. Construction of the interior roads on the site also began in early 2003. The City is building these roads in conjunction with the Shoreline Dr. extension road project. The proposed roads included relocated Terrace St. (main entrance into the site), Viridian Dr., and O'Toole Way. The site has been re-named Edison Landing. The applicant is asking to amend the approved PUD for Edison Landing for conceptual approval of two proposed developments, which together will encompass six of the site's parcels. Each

development will then require a final site plan approval as well. The amendment request is being made as one request, but for the sake of clarity, each of the proposed developments will be described separately below. These developments will have a great deal of visibility both from Muskegon Lake and from Shoreline Dr. once the extension has been completed. The SmartZone site is being described by some as the 'new downtown' for Muskegon. It is important that careful review is given to all proposed developments for the site, as visual access to the lake is paramount, as well as maintaining an urban 'main street' character. Given the current construction projects, it is extremely difficult right now to get onto the site or to visualize the proposed layout of the parcels without Shoreline Dr. in place for reference. The only existing structures possible to use for reference are the GVSU and National City buildings currently under construction. Staff has tried to visualize what the location and layout of the proposed developments will be as best as currently possible. The photos shown below were taken from the seventh floor of the Terrace Plaza building. Parcels 'J', 'K', 'L', and 'M' (Gillespie development): a) These four parcels flank relocated Terrace St., and as such are the main entryway into the SmartZone. The original PUD site plan shows one multi-story building to be located on each parcel, along and up close to Terrace St., to be designed as a Main Street, with visual focus being drawn up the street to the cul-de-sac and view of the lake. b) The developer (Gillespie) of these parcels is keeping the general design fairly close to what was originally proposed. However, there are two significant changes. The first is the removal of O'Toole Way (east/west road) as a public street, due to concerns of the City Engineer with the possible stacking of cars across the railroad tracks as cars would wait to turn left from Terrace St. onto O'Toole Way. The City and Gillespie have agreed that this street is not needed as a public right-of-way. Instead, it will become a private drive into parcels 'L' and 'M' with additional parking off of the south side, and will be 'right-in, right-out' only. c) The second change is the addition of two new buildings near the outer edges of parcels 'L' and 'M'. Although the proposed tenants for these buildings are currently unknown, the buildings are proposed to be drive-thrus, possibly either restaurants or banks. The proposed design and elevations of these buildings will be important, as traditional fast food building designs might not fit within a 'downtown' character. d) Case #2003-20 involves the actual site plan review for this proposed development and more details about the proposed layout of the site are available there. This case involves the conceptual approval of the drive-thru buildings and site layout in general. e) The design of the site includes the original four proposed buildings, which are located along Terrace St., with parking to the rear. A proposed ground floor walkway allows pedestrian access to the rear parking areas without requiring pedestrians to walk entirely around the buildings to access the rear. f) The submitted plan does not clearly show the proposed traffic flow for the site, especially around the proposed drive-thru buildings. The proposed locations for stacking spaces for the drive-thrus are also not shown. g) If the site design, circulation and concept of drive-thru buildings on the site are acceptable to the Planning Commission, staff sees no major concerns with these proposed changes, provided that sufficient stacking spaces for the drive-thrus can be provided which would not block drives or parking spaces. The drive-thru buildings should be one-story and should blend with the rest of the proposed development. Parcels 'A' and 'B': a) The originally approved PUD for the site showed one two-story mixed-use building on parcel 'A' (office and residential) and one two-story office building on parcel 'B'. The current request is for four six-story condominium buildings (18 units each) on both parcels together, along with a single-story parking deck with rooftop tennis courts, walking paths, sitting areas and gardens. b) The four buildings are proposed to be spaced apart so as not to completely block the view of the lake from further

inland, and to take advantage of the lake views available on these parcels. The development is built 'up' instead of 'out' with the thought that four narrow, taller buildings would block the view less than one or two more massive, shorter structures. c) The original PUD plan submitted showed that the buildings would be 'terraced' with shorter buildings located closer to the lake, and taller ones further inland. This would protect the viewshed of all parcels on the property and keep building heights from getting out-of-hand. Staff wonders that if by starting with 6-story buildings on the lakefront, if subsequent developers of parcels 'D' and 'E', further inland, would then want to go even higher in order to still have uninterrupted lake views. d) If the 6-story condominium buildings are approved as proposed, the Planning Commission may want to consider placing a limit on the total height allowed for buildings on the rest of the site, perhaps 10 stories to keep in line with the height of the Shoreline Inn & Suites. e) Each of the proposed buildings contains 18 residential units, for a total of 54 units. The specific acreage of this site is unknown, but for reference, the RM-1, Low Density Multiple-Family Residential zoning district allows 16 units per buildable acre, and the RM-2, Medium Density Multiple-Family Residential district allows 24 units per buildable acre. f) Staff has discussed other options with the developer, such as considering further shifting the buildings to open up the views up the middle of the site. They may also want to consider situating the buildings more perpendicular to the shoreline as well. g) Staff has some concerns with the proposed parking deck. It is shown on the conceptual plan as a large structure encompassing most of the width of the site. It is difficult to visualize since the final grades for Shoreline Dr. and the interior roads have not yet been established, but staff wonders what the appearance of this structure will be from road grade. Keeping in mind that parcels 'D' and 'E' have yet to be developed, and will most likely face directly that way, toward the waterfront. On the other hand, the parking deck would keep the surface parking from being as visible on the site. h) The roof area of the proposed parking deck is shown to have amenities for the condominium residents such as tennis courts, gardens and possibly a pool. This would appear to meet the 15% usable open space requirement for the site. The developers have stated that the deck is proposed as one large structure so as to maximize the residents' use of the roof area without making it difficult for residents from one building to access amenities on the roofs of parking decks associated with the other buildings. i) There are two existing tall buildings in proximity to this site, the Terrace Plaza building (7 stories) and the Shoreline Inn & Suites (10 stories). Staff feels that the location of the proposed condominium buildings on the western side of the SmartZone site will keep the taller structures clustered enough together to perhaps create a more continuous skyline for downtown Muskegon that has been lacking up until now. j) The Terrace Plaza building is on a higher elevation than most of the surrounding area. Information from the City Engineer is that the final elevation for Shoreline Dr. will be about four to five feet higher than that of the SmartZone site, closer to the elevation of the National City building. By sitting at the existing corner of Morris Ave. and Terrace St. near National City, staff visually estimated that 6-story buildings might not necessarily block the entire lake view from the roadway. This is just a general visual assessment, but there is no better way to estimate without being able to physically access the site. k) There is public access proposed along the waterfront edge of the entire SmartZone site, by means of a walking/bike path. Therefore, the public will still be able to access the waterfront and viewshed, even if the view from the roadways themselves is reduced. l) No elevations for the proposed buildings have been provided for the condominium buildings, which also makes it difficult to visualize their appearance on the site. As in the case of Balcom's Cove, staff would stress to the developers that even though the buildings appear oriented toward the lake, the rear (streetward) elevation is of particular concern since this side is what will be visible from

Shoreline Dr. No elevations for the proposed parking deck have been provided. m) Staff is hesitant to make a recommendation as to the 6-story condominiums, as there are varying opinions regarding the idea. If designed so as to block as little of the view as possible, and to present an attractive elevation toward the downtown area, staff is not necessarily adverse to the idea. However, much care should be taken in the final site layout and design when a final site plan is submitted for this development. n) The Fire Marshal has made some comments specifically regarding the proposed condominium buildings: 1) Information shall be submitted on water availability, flow test and hydrant locations. Contact the City DPW for help. 2) Access to any and all proposed structures shall be continuous around the structures. 3) Access grades – concrete or asphalt – shall be listed on print. 4) Access roads shall not be less than 26 feet in width. At the time that the original PUD was approved, it was determined that each parcel could be a staff site plan approval as it was developed. This was the case for the GVSU Workstage building, which received site plan approval in December of 2002. Given the fact that the Gillespie development's site plan is dependent on a PUD amendment which wasn't approved yet, staff felt more comfortable bringing their site plan before the Planning Commission for review (see Case 2003-20). Staff has not received any phone calls or letters regarding this case. Staff recommends approval of the request with conditions.

T. Johnson stated that he has a conflict and will not take part in this case. T. Harryman asked about the location of the Shoreline trail. D. Steenhagen stated that it was adjacent to the rail road tracks and connects to the City's bike path. H. Wierenga displayed elevations of both projects. Some of the criteria had been discussed. They are looking at making this better than what was originally proposed. The Gillespie Development is expanding their commercial portion by adding 2 buildings. Along Terrace St. the section of buildings would have first floor for commercial use with residential on the second floor. The commercial buildings that had been added to each side of the property will be drive thru facilities. The tenants haven't been determined yet. He referenced staff's concerns regarding turning at Terrace and Shoreline Dr., this would not be allowed. There will be no left turns at this portion of the property. The development on parcels A and B will have 3 units per floor. The buildings will be approximately 60 ft. apart. The parking structure would be open. The view of the lake will not be obstructed, even at ground level. There may be changes regarding the placement of the boardwalk. L. Spataro stated that this was a much better design. He is concerned that the sidewalks aren't shown. He is also concerned with the set-up that people leaving the apartments may cut through the parking lots to get to Terrace St. H. Wierenga stated that he doesn't see cross flow as a problem. He believes that the tenants will use what is there. There will be a high degree of pedestrian paths with safe zones. The Site Plan review will incorporate these. T. Harryman stated that this is a great improvement. He would like to see pedestrian accessibility and any tenants may want access to the "downtown" portion of the development. He asked if the drive-thru buildings were 1 story and if so, why. H. Wierenga stated that they were and drive-thru facilities lend to single story. If the use is different, then they could be 2 story buildings. This proposal for the drive-thru facilities was driven by design and not use. J. Aslakson asked if the buildings would be owned by store chain. H. Wierenga stated that the developer would own and control the development. J. Aslakson asked if the top of the parking garage would be sodded. H. Wierenga stated that they are going to try to landscape the area. J. Aslakson stated that the proposed buildings on A & B are better than having long buildings. L. Spataro asked if the sidewalks to the Lakefront Dr. H. Wierenga stated that they would. L. Spataro asked in D & E would use the access as a shared drive. H. Wierenga stated that they

would. He believed it was part of the PUD. J. Aslakson asked if the buildings would vary in color or would they all be red brick. He has concerns with a sea of red brick. H. Wierenga stated that the colors would be varied as well as the texture.

A motion to close the public hearing was made by J. Aslakson, supported by T. Harryman and unanimously approved.

P. Sartorius asked if the site plan would be subject to staff approval or if it would go before the Planning Commission. B. Mazade stated that staff has shown that if they weren't comfortable with approving a site plan, they would bring it back before the Planning Commission. He felt that staff could do site plan approval. B. Smith and J. Aslakson agreed with B. Mazade.

A motion that the amendment to the Edison Landing (SmartZone) planned unit development be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan based on the following conditions: 1) The changes to the Gillespie development on parcels 'J', 'K', 'L', and 'M' are approved as shown, provided that the proposed design and elevation are approved, and that sufficient stacking spaces will be in place for the drive-thru buildings and that the proposed traffic flow around these two buildings is shown and approved. 2) Approval of the condominium units is conditional upon approval of proposed elevations for the buildings and associated parking deck, including the rear (streetward) elevations. 3) The sidewalks would be extended from the Condominiums to the Lakefront Drive sidewalk. was made by L. Spataro, supported by T. Harryman and approved with T. Johnson abstaining.

Hearing; Case 2003-18: Staff-initiated request to rezone the three hospital campuses in the City from various zoning designations to the new MC, Medical Care district. D. Steenhagen presented the staff report. This rezoning is the continuation of the process began by adoption of the new Medical Care (MC) district language several months ago. Staff has studied the three hospital campuses and surrounding uses, and is proposing three areas to be rezoned to the new district. These areas include existing medically related uses, as well as areas which may realistically better be served as medically related. The intention was to recognize the existing hospital campus locations and to also provide some areas for hospital growth. The three areas are summarized in more detail below, based on the hospital campus location:

- Mercy-General Health Partners – Oak Campus (Oak Ave. and Harvey St.)
Most of the existing hospital campus is currently zoned RM-1, with a small portion zoned RM-2. Staff is also proposing to include the Village at the Oaks and Oakview Medical Center properties as well, as these uses are also currently zoned RM-1, fit well within the MC district and are directly adjacent to the hospital campus proper. Staff did not include other adjacent properties, such as the Carriage House and Glen Oaks apartment complexes (currently zoned RM-2) and the MAISD property (currently zoned RM-1). The proposed district bounds Muskegon Township to the south.
- Mercy-General Health Partners – Sherman Campus (Sherman Blvd. and US-31)
Most of this hospital campus is also currently zoned RM-1, with a small portion of unimproved property zoned I-2. Staff is also proposing to include several adjacent medical office buildings as shown on the enclosed map. Most of these are currently zoned RM-1 as well, with a few zoned B-2, and one property currently zoned B-1. Staff did not include any

properties within the Medendorp Industrial Park which are current industrial uses. The proposed district bounds Norton Shores to the south.

- Hackley Hospital (Laketon Ave., Larch Ave., Hoyt St., Clinton St., and Peck St. area)
Most of this hospital campus is also currently zoned RM-1, with portions zoned R-1 and RM-2 as well. Staff is also proposing to include several existing medical office buildings directly adjacent to the campus on Peck St. and Larch Ave. which are currently zoned B-4. There is one residential property in this area as well. Staff is also proposing to include some medical office and residential properties to the southeast of the campus, and across Laketon Ave., all currently zoned R-1. The intention is to give the hospital some room for controlled expansion as homes may come up for sale.

Staff has received several phone calls and letters regarding this case. The letters are attached for review. The phone calls are summarized below: 1) Dr. and Ms. Kakaty, 2525 Roberts St., very opposed to their building being included in the rezoning as this would limit their options for sale of the building. 2) Chris, Shoreline Opthamology, Sherman Blvd., had questions about the proposed rezoning and no objections to it. He also stated that the little piece of property shown on the map as 'MGHP' behind their building is in fact owned by them. 3) Marvin DeWinter, owner of the Oakview Medical Center, had questions about how the proposed rezoning would affect his property. He had no objections to the rezoning. 4) David Tencate asked for a copy of the MC zoning district regulations. The district language was e-mailed to him. 5) One caller on Jiroch St. had questions about the rezoning but did not leave a name or address. 6) One caller had questions about the rezoning but did not leave a name or address. 7) One caller had many questions about the rezoning and the new Hackley ER building and proposed heliport. He stated that he lives near Hackley Hospital but did not wish to leave a name or address. He had questions about what the new district means for the neighborhood. 8) James Anthony owns 109 and 137 E. Laketon and is against having his properties included in the zoning. He felt this would limit whom he could sell his properties to, should he decide to sell them.

B. Mazade asked what the medical care zoning language said. D. Steenhagen provided a copy. L. Spataro asked why the proposed district was extending south of Laketon between Jiroch and Hoyt. D. Steenhagen stated that it was a suggestion and that some of the properties don't have to be included in the district. T. Harryman asked why the residential neighborhood across from Hackley Hospital was included in this proposed zoning. D. Steenhagen stated that Hackley Hospital asked for it. T. Harryman stated that he is concerned with the parking lots. The existing residents are trying to keep their properties. J. Kakaty stated that she had sent a letter regarding this matter to the City. She stated that they have owned their property for 20 or 30 years. The property is currently zoned B-1. There is a vacant lot that wasn't included in the proposed zoning and she felt that their property should also be excluded. Her husband is not part of Mercy Hospital. He goes to Hackley Hospital. They don't want to be limited to 1 buyer when they sell the property. The rezoning would create a hardship on them. She stated that they would appreciate being excluded from this area. P. Sartorius stated that he would like the letter to go permanently into the record. C. Vandyke stated that she is extremely concerned with this. Hackley Hospital appears to be the only hospital in a residential area. She is concerned with the impact this would have on the neighborhood. L. Spataro stated that the rezoning would allow for another use other than single-family. P. Sartorius asked for the allowed uses to be read along with what would be allowed under a special use permit. The uses were read. C. Vandyke stated that she is opposed to this request. M. Pierce stated that he

doesn't agree with this request. This could keep expanding and the neighbors would lose control of the neighborhood. He is opposed to the entire rezoning. L. Smith asked by there were certain homes on Jiroch and Leahy and not the entire area. She is concerned that any expansion would be right next door to her. She is opposed to the rezoning if it stops where it is proposed. She is in favor if it would include the entire block of Jiroch and Leahy. T. Galla stated that she is concerned that the rezoning would decrease the value of her property. If the rezoning doesn't affect her taxes, she isn't concerned. D. Steenhagen stated that any residential property would remain indefinitely unless the home is vacant for more than 2 years or destroyed over 50%. J. Anthony stated that he would like to have his 2 properties (109 & 137 E Laketon) removed from this request. He has no objection to the rezoning, but doesn't want his included. M. Baxter wanted to know what Hackley Hospital was planning. P. Sartorius stated that no one knows what they are planning. T. Michalski stated that a resident could end up with their home in the middle of a parking lot. S. Warmington stated that the City had made this request and not any of the hospitals.

A motion to close the public hearing was made by T. Harryman, supported by S. Warmington and unanimously approved.

J. Aslakson stated that he concurs with the residents and at the same time a hospital zone is needed. He doesn't feel that property not associated or owned by the hospital should be located in the district. He is opposed to adding the residential properties to the zone. He has no objections to the removal of Dr. Karate's property from the Mercy Hospital area for the zoning. L. Spataro stated that he has similar concerns. Should the hospital expand, anyone not selling their property in the beginning, their property value would go down. He supports the zoning change with the removal of the properties south of Laketon, south of East Larch, and excluding Dr. Karate's property. T. Johnson suggested having separate motions for each of the areas.

A motion that the request to rezone property as shown on the proposed map, from various zoning designations to MC, Medical Care be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent excluding the residential properties along Leahy, E. Larch, Hoyt, and south of Laketon, was made by T. Johnson, supported by B. Mazade and approved with T. Harryman and T. Michalski voting nay.

T. Harryman would like to amend the motion to exclude the properties that are zoned B-4 along Laketon and Peck. Some of these are residential properties. T. Johnson concurred with T. Harryman. B. Mazade stated that the properties are already nonconforming with the current zoning. The use would be able to continue no matter which zoning they are. He felt that it should be rezoned. L. Spataro stated that this block has no residents stating that they are opposed to the rezoning. T. Johnson withdrew the amendment. D. Steenhagen stated that the corner of Peck and Laketon is owned by Hackley Hospital and the commission members may want to keep that in the medical zoning district.

T. Michalski had concerns if this were to create a spot zone. J. Aslakson stated that he would prefer that this would only include properties that are owned by Hackley Hospital. L. Spataro felt that zoning this to the medical zoning would be good. Residential homes would be better

with a less intensive use. Business is intensive.

A motion that the request to rezone property as shown on the proposed map (Hackley Hospital area), from various zoning designations to MC, Medical Care be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent excluding the properties along E. Larch, Jiroch, Laketon, Peck, and Clinton except those owned by Hackley Hospital, was made by T. Johnson, supported by T. Harryman and approved with B. Mazade, L. Spataro, and P. Sartorius voting nay.

A motion that the request to rezone property as shown on the proposed map (Mercy Hospital-Sherman Campus area), from various zoning designations to MC, Medical Care be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent excluding the property owned by Dr. Kakaty, was made by J. Aslakson, supported by T. Johnson and unanimously approved.

A motion that the request to rezone property as shown on the proposed map (Oak area), from various zoning designations to MC, Medical Care be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by L. Spataro, supported by T. Harryman and unanimously approved.

Hearing: Case 2003-19: Staff initiated request to amend the sign regulations of the Zoning Ordinance regarding temporary signage.

A motion to move this case at the end of the agenda was made by J. Aslakson, supported by B. Smith.

B. Mazade left at 6:50 p.m.

OLD BUSINESS

Case 2003-2: Request for a Special Use Permit for a Bed & Breakfast in the Heritage District, 502 W. Webster Ave., by Sarah Pulling (tabled). D. Steenhagen presented the staff report. Staff has been in discussion with the applicant regarding parking options for the site. The site does fall within the new Downtown Parking Overlay District. Therefore, the applicant has the option to use other existing parking areas within 1,000 feet of her property. There are some public parking options within 1,000 feet, including the public parking area across from the Walker Arena. Staff proposes that the applicant be allowed to park a maximum of two cars in her property's driveway, unless a small enlargement in the width of the paved driveway be made so that it could accommodate four cars. Any overflow would be required to park elsewhere, within 1,000 feet. If a private parking area were to be utilized, a permanent shared parking agreement would need to be in place. The commission members were provided with an excerpt of the Historic District Commission's meeting minutes from May 6, 2003. Staff spoke with the applicant. They have an LLC, and market and charge for their services. It is the intent of the applicant to have the home in her husband and father's names. The applicant was advised

to attend this PC meeting and provide more information on how parking requirements will be accommodated. At the last meeting the question was posed about owner occupancy vs. a resident manager. The commission members were provided with a definition of "tourist home" according to the ordinance. The commission members were provided with the City Attorney's interpretation of the owner-occupied issue vs. "resident family" issue. The commission members were provided with an excerpt of the Historic District Commission's minutes from their March 4, 2003 meeting. This is a large, historic home that the applicant recently purchased on the corner of Sixth and Webster. It is directly across the street from the Hackley Hume site. The lot is 66 by 145 feet. The applicant wishes to make the home a specialty bed and breakfast and indicates they expect not more than 10 guests at any one time, primarily on the weekends (see attached). Parking needs would be 7 spaces (two for the resident and 5 for guests). On street parking (on Sixth) could be used spring through fall. Under the ordinance, the HDC is supposed to be afforded the opportunity to comment on special uses in the Heritage Zone. There was some concern expressed at the last meeting about a concentration of Bed and Breakfast facilities in close proximity that could undermine the single-family nature of the immediate area. If the Planning Commission is inclined to grant the request, this case should be formally placed on the HDC's March agenda with a final Planning Commission determination in March. Staff is told that a family member of the applicant will be living in the home. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued." The commission members were provided with the zoning ordinance definition of Tourist Home – Bed and Breakfast Facilities. Staff recommends approval of the request with conditions.

S. Pulling stated that she didn't attend the HDC meeting. She had spoken with B. Lazor (staff liaison to HDC). He didn't feel that it was necessary for her to be at the meeting. She plans on using the downtown parking overlay. They are not opting to pave their property for parking. She feels that the issues have been addressed for the Planning Commission and the HDC. J. Pulling stated that he understands there is some objections from the neighbors. What they do is discreet and there will be no signs showing any type of business is there. They have repeat customers. L. Spataro asked if they have a permanent agreement to use someone else's parking. The public lots are already in use when there are events. S. Pulling stated that she was under the impression that public parking along with on-street parking was available for them to use. L. Spataro stated that it was obvious that they are already using the property for this use and the commission has to take into consideration the concerns of the neighbors. J. Pulling stated that at most there would be 4 vehicles there. J. Aslakson asked if the applicant was aware of the conditions staff has suggested for approval. J. Pulling stated that they would have no problem with the conditions. T. Michalski asked if the family is included in recommendation of 10 guests. D. Steenhagen stated that the City Attorney stated that it has to be paying guests.

A motion that the special use permit and associated site plan for a Bed and Breakfast at 502 W. Webster be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2315 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) Only two cars will be permitted to park in the driveway on the site, unless a small extension in driveway width is applied for and approved. In no case shall more

than four cars be parked in the driveway at any one time. 2) The facility is permitted to use available parking within 1,000 feet of the property. Between April 15 and November 15 of each year, on-street parking may be utilized for overnight guests. Otherwise, off-street parking must be used. If off-site parking is on private property, an irrevocable shared parking agreement must be in place for use of the parking. 3) The facility is limited to ten guests at a time. 4) The structure must be resident occupied. 4) The facility shall at no time take on the character of a rooming house, was made by T. Johnson, supported by B. Smith and unanimously approved.

Case 2003-1: Request for a Planned Unit Development on McLaren St., Village at Jackson Hill, by Findlay Development LLC (tabled). D. Steenhagen gave an update on this case. Finlay is pulling out of their Midwest developments. Sterling Group is working on this and if it succeeds, then they would purchase this from Finlay and run it. They also would like to look at vacating McLaren St. again.

NEW BUSINESS

Case 2003-20: Request for Site Plan Review for a mixed use, commercial and residential development at the SmartZone (Edison Landing), by Fleis & VandenBrink Engineering. D. Steenhagen presented the staff report. The subject property is located on the Edison Landing (SmartZone) site as described above in Case 2003-17, and encompasses parcels 'J', 'K', 'L' and 'M' of the site. The applicant is proposing six buildings on the site. Four buildings are proposed along relocated Terrace St., with two outlots at the outer edges of the site. Staff has reviewed the site plan and has the following comments/concerns: a) The general design of the site follows the original PUD design, with the four buildings located close up on Terrace St. and the parking to the rear. A ground level walkway is shown to be provided between the buildings on each side of the street so that pedestrians will easily be able to access the rear parking areas. b) The two northerly buildings are shown to contain 12,529 square feet of retail area each, with the two southerly buildings containing condominium units. Staff was under the impression that the design included first-floor retail with residential units above for all four buildings. This should be clarified. The total number of residential units proposed for the site also should be clarified. c) A 10-foot building setback is shown on the site plan, which meets ordinance requirements. However, it is unclear as to which portions are proposed to be paved and where greenspace areas are proposed to be. Several islands and bump-outs are provided in the parking area, but again it is unclear as to the nature of the proposed surface for them. d) The site appears to meet parking requirements for the proposed uses, based on the parking calculations given. There are 60 reserved spaces for the residential units, which would be over the 40 spaces required for 20 residential units. However, the calculations show 10,828 square feet of usable floor area for the retail areas, which seems to be quite low for the 25,058 total gross area of retail space for the development. This needs to be clarified in order to ensure that parking needs for the site are met. e) The site circulation around the proposed drive-thru buildings is unclear, as is the location of proposed stacking spaces for these buildings. There are drives shown to be all the way around these buildings, but staff has a concern with traffic flow and stacking area. Stacking spaces should not block any drive areas or parking spaces, and cars should not be expected to stack into public street areas on Viridian Dr. If the drives are meant to be one-way, this should be noted on the site plan for clarity, and the drives need to be signed accordingly or other means taken to ensure that drivers understand which way to go. f) There is a site plan note that states that parking spaces will be 8 feet by 18 feet. This meets ordinance

requirements. All maneuvering lanes for two-way traffic are required to be a minimum of 22 feet wide – this needs to be reflected on the site plan. There also should be a note stating that all parking and drive areas will be paved and striped with curbing or curb stops provided. g) Sidewalks appear to be provided along Terrace St., Viridian Dr. and internally through the site. h) No parcel or building dimensions are given on the site plan. These need to be shown. The building heights are given – the four interior buildings are proposed to be 39 feet in height, and the two drive-thru buildings are shown as 35 feet in height. Staff wonders at the need for the two outlying drive-thru buildings to be so high – in general drive-thru restaurants and banks are single-story structures. These buildings should be restricted to one-story and a maximum of 25 feet in height. i) There are several dumpsters shown on the site plan. Two of them are shown to be up in the front parking areas adjacent to the railroad tracks. Staff wonders if there might be a better location for them other than areas which are immediately visible from Shoreline Dr. No dumpster screening is shown on the site plan – dumpsters are required to be screened (on all sides visible by the public) by a minimum four-foot privacy screen. j) There is a landscape plan provided for the site, which shows deciduous and evergreen trees as well as shrubs. No details as to size and species of proposed landscape materials are given. This site is surrounded on all sides by public street (visible from Shoreline Dr., even if not directly adjacent) and is the ‘gateway’ to the SmartZone site. For these reasons, particular attention should be given to landscaping. k) It is not clear on the site plan which areas are proposed to be greenspace versus paving or other materials. All landscaped areas are required to be irrigated. A more complete landscaping plan needs to be provided which shows these additional details. l) Site lighting locations are shown but no details as to the specifications of the proposed lights are given. All outdoor lighting is required to be ‘cut-off’ fixtures, which direct the glare downward rather than up into the night sky. m) There are some easements shown on the site plan, which appear to be for utilities, but are not labeled on the site plan. All utility easements need to be labeled on the plan. n) The Department of Public works has reviewed the site plan and has no outstanding issues with it. o) The Fire Marshal has reviewed the site plan and has the following comments: 1) Due to construction type and square footage some buildings may require fire suppression (sprinkling). Water supply information is paramount. 2) Information shall be submitted on water supply availability and hydrant location. Contact the DPW for assistance. 3) The number of hydrants shall comply with the International Fire Code. 4) Fire lanes shall be designated for all structures. Information on road grade shall be submitted to the Fire Marshal (concrete or asphalt?). 5) Crash protection will be required around exposed utilities (gas meter). p) The City Engineer has reviewed the site plan and has the following comments: 1) The proposed drive-thru buildings (A&B on revised drawings, April 2003) shall be located so as to accommodate proposed public utilities including water, sewer, gas and power. 2) Proposed drives off of Terrace are right in, right-out only (as shown). 3) The City Engineer also wanted to make sure that the applicants know that if outdoor seating areas are proposed in front of the buildings on Terrace St., that sufficient setback area needs to be provided. Outdoor seating areas will not be permitted within the street right-of-way. No information on signage is provided on the site plan. The originally approved PUD for the SmartZone site requires that signage meet the requirements of the WM, Waterfront Marine district. The WM district prohibits any freestanding sign over 8 feet in height. Sign permits will be required for signs when they are proposed to be installed. Staff recommends approval of the request with the conditions.

T. Johnson stated that he has a conflict of interest and will abstain. P. Sartorius asked for clarification that the public and private parking would coincide. H. Wierenga stated that they

looked at each component. They are required to have 125 spaces and they will have 130. The site would be appropriately landscaped as in the plans. They want to match the lighting with what is in the downtown. They are waiting to make this decision. They will be selective in their light selection and will present it in the final landscape plan. The final plan will show stacking and the flows of traffic. The screening of dumpsters will be 5 ft. They would also be adequate and dictated by architecture of the building and screened with vegetation. J. Aslakson asked if there would be any problems with the proposed conditions for approval. H. Wierenga stated that there were none.

A motion that the proposed site plan for a new mixed-use commercial and residential development on Lots J, K, L, and M of Edison Landing (SmartZone) be, approved, based on the following conditions: 1) A revised site plan will be submitted for staff approval. The revised site plan will contain: a) Specific details on the proposed uses for the buildings – retail vs. residential mix. Also, the gross vs. usable square footage for the retail uses needs to be clarified. b) Proposed traffic flow and circulation for the site needs to be shown, especially around the two drive-thru buildings. Proposed stacking spaces for the drive-thru buildings need to be shown. Stacking spaces may not block drives or parking spaces, and may not require cars to be stacked out into public streets. c) The widths of all maneuvering lanes shall be shown. Maneuvering lanes for 2-way traffic may not be less than 22 feet in width. All parking and drive areas should be labeled as to be paved, and parking areas need to be striped with curbing or curb stops provided. d) Dimensions of the parcels, buildings and parking areas need to be shown on the site plan. The two drive-thru buildings are restricted to single-story, up to 25 feet in height. e) All dumpsters are required to be screened with a minimum 4-foot privacy enclosure. The two dumpsters to the southernmost portion of the site, adjacent to the railroad property, will be relocated more interior to the site. f) A revised landscaping plan will also be provided which shows: i) Details on sizes and species for all proposed landscaping materials. ii) Specifically which areas are proposed to be greenspace and landscaped. iii) Irrigation is required for all landscaped areas. iv) Landscaping in the setback area adjacent to the railroad, and along Terrace St. is of great importance, as these areas are directly visible from Shoreline Dr. Additional landscaping should be clustered along the railroad property, and the possibility of putting window box or other planters along Terrace St. should be explored. g) All site lighting fixtures are required to be ‘cut-off’ fixtures. 2) All requirements of the Fire Marshal, City Engineer and DPW will be met, as stated above. 3) Signage will meet the requirements of the WM, Waterfront Marine district. Sign permits will be required when signs are proposed to be installed, was made by L. Spataro, supported by S. Warmington and was approved with T. Johnson abstaining.

Hearing; Case 2003-19: Staff initiated request to amend the sign regulations of the Zoning Ordinance regarding temporary signage. B. Moore presented the staff report. She stated that businesses have been complaining that there is no flexibility for temporary signs. She provided the commission members with pictures of temporary signs that would still be considered illegal under this ordinance change. S. Warmington stated that he would like to see the changes. He had suggested this to staff because car dealers have been coming to him. He suggested a setback requirement or a certain number of balloons allowed. J. Aslakson agreed that banners are useful. This would make sense. T. Harryman asked when banners were acceptable according to the ordinance. B. Moore stated that they aren’t acceptable unless it is a grand opening for a new business. B. Moore suggested allowing banners and flags be allowed for 90

days. S. Warmington stated that currently, when someone violates the ordinance, the owner would get a ticket. The County gets the money for these enforcement issues. The City needs to work with the business community. He suggested banners and streamers not to exceed 7 days and no more than 1 time per month. T. Johnson asked if the Cherry County signs that were on light posts were considered banners. B. Moore stated that they do, but they fall under special events. T. Johnson suggested conditions of size and number of signs and not look at the frequency of the use. T. Michalski stated that he wasn't clear where balloons would be. He would like to see the balloons not allowed due the dangers to wildlife, etc. that they would impose should the balloons break free. J. Aslakson agreed that there should be size and conditions for the signs instead of keeping track of how long it is up. B. Moore asked if the members were still comfortable with the signs that weren't allowed remaining not allowed. The consensus of the members was yes.

OTHER

None.

There being no further business, the meeting adjourned at 8:09 p.m.

hmg
5/15/03